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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,386	11/19/2003	Koji Nozato	CFA 00019 US (MOI 400-215	9725
34904 7590 01/10/2008 CANON U.S.A. INC. INTELLECTUAL PROPERTY DIVISION 15975 ALTON PARKWAY IRVINE, CA 92618-3731			EXAMINER ROBINSON, MYLES D	
			ART UNIT 2625	PAPER NUMBER
			MAIL DATE 01/10/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/718,386

Applicant(s)

NOZATO, KOJI

Examiner

Myles D. Robinson

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 3, 7 - 9 and 13 is/are rejected.
- 7) ☒ Claim(s) 4 - 6 and 10 - 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. **Claim 13** is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. **Claim 13** is drawn to functional descriptive material NOT claimed as residing on a computer readable medium. See MPEP 2106.01 (Functional Descriptive Material) which states:

"Data structures not claimed as embodied in a computer-readable medium are descriptive material per se and are not statutory because they are not capable of causing functional change in the computer."

"Such claimed data structures do not define any structural or functional interrelationships between the data structure and other claimed aspects of the invention which permit the data structures' functionality to be realized."

Claim 13, while defining a control program, does not define a "computer-readable medium" and is thus non-statutory for that reason. A control program can range from paper on which the program is written, to a program simply contemplated and memorized by a person. The examiner suggests amending the claim to embody the program on "computer-readable medium" in order to make the claim statutory.

"In contrast, a claimed computer-readable medium encoded with the data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory." – MPEP 2106.IV.B.1(a)

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. ***Claims 1 – 3, 7 – 9 and 13*** are rejected under 35 U.S.C. 102(e) as being anticipated by ***Leni et al.*** (U.S. Patent No. 6,498,912).

Referring to ***claim 1***, Leni discloses an information processing apparatus for managing usage of an image processing apparatus, the information processing apparatus comprising:

a managing unit (*see Fig. 2, MFD 12, external accounting system EAS*) for managing log information that indicates the usage of the image processing apparatus (*see Figs. 5 and 7 wherein the system manages information logged regarding color printing, duplex printing, finishing features, media types/sizes, etc. in steps AD4, JT3a – JT3e [column 4, lines 21 – 29 and 52 – 67]*),

a registering unit (*see Fig. 1 wherein the administrator A may login either via MFD 12 and/or administrator workstation 16 [column 5, lines 1 - 6]*) for registering image-processing-apparatus user information concerning an image-processing-apparatus user in the log information managed by the managing unit (*see Fig. 3*

wherein the administrator logs in to the system in step S1 and then changes accounting setup parameters as desired in step S3 [column 5, lines 22 – 25] and see Fig. 4 wherein the secure accounting mode authenticates the validity of each user's ID in step SA5 [column 5, lines 35 – 48 and column 5, line 61 – column 6, line 14] such the secure accounting mode depends upon the pre-registration of user IDs),

a first acquiring unit for acquiring a limit value of an amount used that is input in response to the registration of the image-processing-apparatus user information by the registering unit (see Fig. 4 wherein the user has their image job processed in step SA6 upon validation and the user's usage of the image processing machine is tracked against the user's accounting ID in SA7 [column 4, lines 35 – 48 and column 6, lines 7 – 14] such that the limit value of an amount used is analogous to the number of copies of a copy/print job, the number of pages scanned, the number of pages faxed, etc. requested by the user), and

a setting unit for automatically setting the limit value acquired by the first acquiring unit as a limit value of a usage fee for the image-processing-apparatus user (see Fig. 3 wherein the accounting setup parameters set by the administrator are carried out in step S8 [column 5, lines 30 – 33] and see Fig. 7 wherein usage is accounted as specified by the administrator [i.e. secure accounting mode] for each job type so as to track amounts used and/or charges for resources used according to each unique user ID [column 1, lines 26 – 35, column 2, lines 62 – 67, column 4, lines 56 – 63 and column 7, lines 5 – 40]).

Referring to **claim 2**, Leni discloses the apparatus further comprising:

a second acquiring unit for acquiring system user information from an external information processing apparatus (*see Fig. 2 wherein MFD 12, administrator workstation 16 and network client 18 communicate with external accounting system EAS via network 10*) that manages a system user registered in a network system (*column 4, lines 10 – 14 and 56 – 67 wherein administrator A is the system user*),

an extracting unit for extracting system user identification information from the system user information acquired by the second acquiring unit and for extracting image-processing-apparatus user identification information concerning the image-processing-apparatus user from the log information managed by the managing unit (*see Fig. 3 wherein administrator A logs into the system in step S1 [column 5, lines 20 – 22]*), and

a determining unit for determining whether the system user identification information extracted by the extracting unit coincides with the image-processing-apparatus user identification information (*see Fig. 3 wherein administrator A logs into the system in step S1 [column 5, lines 20 – 22]*),

wherein, when the determining unit determines that the system user identification information extracted by the extracting unit coincides with the image-processing-apparatus user identification information, the setting unit automatically sets an output limit value acquired by the second acquiring unit as the limit value of the usage fee for the image-processing-apparatus user (*see Fig. 3 wherein the accounting setup parameters set by the administrator are carried out in step S8 [column 5, lines 30 – 33] and see Fig. 7 wherein usage is accounted as specified by the administrator [i.e. secure accounting mode] for each job type so as to track amounts used and/or charges for*

resources used according to each unique user ID [column 1, lines 26 – 35, column 2, lines 62 – 67, column 4, lines 56 – 63 and column 7, lines 5 – 40]).

Referring to **claim 3**, Leni discloses the apparatus further wherein, when the determining unit determines that the system user identification information extracted by the extracting unit coincides with the image-processing-apparatus user identification information, the setting unit automatically sets the limit value acquired by the first acquiring unit as the limit value of the usage fee for the image-processing-apparatus user and, when the determining unit determines that the system user identification information does not coincide with the image-processing-apparatus user identification information, the setting unit sets the information processing apparatus not to allow a user of the image-processing-apparatus user identification information to use the image processing apparatus (see *Fig. 3 wherein administrator A logs into the system in step S1 [column 5, lines 20 – 22] such that it is inherent that the administrator must enter the correct login to properly access the system and see Fig. 4 wherein the secure accounting mode authenticates the validity of each user's ID in step SA5 [column 5, lines 35 – 48 and column 5, line 61 – column 6, line 14] in such a manner that one of ordinary skill in the art would apply the same approach to authenticating the validity of each administrator's ID).*

Referring to **claims 1 – 3**, the rationale provided in the rejection of claims 7 – 9, respectively, are incorporated herein. In addition, the apparatuses of claims 1 – 3 perform the methods of claims 7 – 9, respectively.

Referring to **claim 13**, the rationale provided in rejection of claim 7 is incorporated herein. The method of claim 7 is stored as a program of instructions of claim 13 within memory and executed by a series of processors (*see Figs. 1 and 2, MFD 12, network server 14, workstations 10, 16 [column 3, line 57 – column 4, line 14 and column 4, lines 49 – 67]*).

Referring to **claims 4 – 6 and 10 – 12**, these claims depended upon rejected claims 1 - 3 and 7 - 9 and therefore are objected to.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Myles D. Robinson whose telephone number is (571) 272-5944. The examiner can normally be reached on M-F 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler L. Haskins can be reached on (571) 272-7406. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

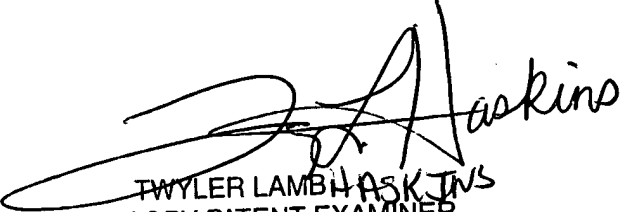
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



MDR

1/7/08


TWYLER LAMB HASKINS
SUPERVISORY PATENT EXAMINER